IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 18204 of 1993

Between:

Setty Gangadhara Swamy son of Appala Swamy
Shivalingapuram H/o Kothuru, Ananthagiri (Mandal)
Visakapatnam Dist

..... PETITIONER

AND

1 Secretary, Social Welfare Department (J)
The Govt of AP Secretariat, Hyderabad
2 The District Collector
Vishakapatnam
3 The Mandal Revenue officer Ananthagiri
Vishakapatnam Dist

.RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ, order or direction more in the nature of Writ of Mandamus declaring the G.O.Ms. No. 11 social Welfare (J) Department ., dt. 8/02/93 issued by the 1st respondent and also the consequential proceedings of the 2nd respondent bearing No. R.Dis.5104/93 Tribal Welfare dt. 24/10/1993 as illegal, null and void and to quash the same as they are in violation of the fundamental rights guranteed to the petitoner under constitution of India.

Counsel for the Petitioner:MR.J.SATHYA PRASAD

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court made the following :

ORDER:

The petitioner claims that he worked as a driver in ITDA, Paderu and that after working some time, he submitted his resignation to the said post and contested to the post of President of the erstwhile Panchayat Samithi, Anantagiri in the elections held in May 1981 and lost in it. In the year 1987 he contested for the post of the President of the Mandal Praja Parishad, Anantagiri, which was reserved for Scheduled Tribe candidates and got elected to the said post. It appears on a complaint made by one Devi Sanyasi Dora, Ex.M.L.A. of S.Kota of Vizianagaram District, with regard to the caste certificate of the petitioner, an enquiry was conducted and by orders in G.O.Ms.No.11 dated 8-2-1992 the caste certificate issued to the petitioner stating that he belongs to Valmiki S.T. Community, was cancelled. This Writ Petition has filed challenging G.O.Ms.No.11, dated 8-2-1992 issued by the 1st respondent and also the consequential proceedings of the 2nd respondent-District Collector dated 24-10-1993as illegal, null and void and to quash the same.

It appears one Devi Sanyasi Dora,Ex.M.L.A. of S.Kota of Vizianagaram District complained that the petitioner is non-tribal and belongs to 'Paidy' of Scheduled Caste community and requested to take action against the petitioner for claiming Scheduled Tribe. Initially, the matter was referred to the Sub-Collector, Paderu, who in turn entrusted the matter to the Joint Director, T.C.R.I.T.I., Paderu to enquire and report the facts of the case. The Joint Director conducted

a detailed enquiry and reported that the petitioner belongs to 'Paidy' Caste (Scheduled Caste), but not 'Valmiki' Caste (Scheduled Tribe). Basing on the above report, the 2nd respondent-District Collector issued a notice to the petitioner and that the petitioner appeared before the District Collector and gave deposition stating that he belongs to Valmiki-Scheduled Tribe Community and native of Sivalingapuram village of Anantagiri mandal and that he worked as driver in S.D.C., (Tribal Welfare), Paderu for some time and resigned the post and contested in the lections. The petitioner further deposed that his political opponents have fabricated a false petition in the name of Sri D.Sanyasi Dora, Ex.M.L.A. of S.Kota and that D.Sanyasi Dora himself filed a representation stating that he never filed any petition regarding social status of the petitioner. Basing on the material, the 2nd respondent –District Collector referred the matter to the Government for necessary instructions. The Government referred the matter to the High Level Consultative Committee and that the Government vide memo No.3353/J1/91-92 Social Welfare (J) Department, dated 20-2-1992 communicated the minutes of the High Level Consultative held on
21-1-1992 under the Chairmanship of Commissioner of Land Revenue, Andhra Pradesh, which concluded that the petitioner is not a Scheduled Tribe and recommended for cancellation of his caste certificate as Scheduled Tribe. The Government therefore issued orders to that effect in G.O.Ms.No.11 dated 8-2-1992. In view of the decision of the High Level Consultative Committee and also orders of the Government, the caste certificate issued to the petitioner that he belong to Valmiki of Scheduled Tribe was cancelled.

As stated above, the High Level Consultative Committee after referring to the report of the Joint Director and also the evidence gathered from the villagers of Kottur, Sivalingapuram and Anantagiri, concluded that the petitioner is not a 'Valmiki' but he belongs to 'Paidy' caste and therefore the S.T. caste certificate issued to him has to be cancelled. The Government vide memo dated 19-8-1993 stated that the High Consultative Committee concluded that the

petitioner is not a member of 'Valmiki' caste and he belong to 'Paidy' caste of Scheduled Caste and therefore Government issued orders to that effect in G.O.Ms.No.11 dated 8-2-1992.

On perusal of the material on record, since the impugned orders were passed after following the due procedure prescribed by law, this Court exercising the Writ jurisdiction under Article 226 of the Constitution of India cannot go into the factual findings of the matter. Considering the material on record, I am of the view that the writ petition merits no consideration and is liable to be dismissed.

Accordingly, the writ petition is dismissed. No costs.

2nd September, 2004.

Hsd

Assistant Registrar

//true copy//

Section officer

To

1 The Secretary, Social Welfare Department (J)
Govt of AP Secretariat, Hyderabad
2 The District Collector
Vishakapatnam
3 The Mandal Revenue officer Ananthagiri
Vishakapatnam Dist

4. 2 C.Cs to G.P. forSocial Welfare, High Court Buidlings, Hyderabad (OUT)

5. 2 C.D. copies